

In the Court of Appeals of the State of Alaska

Kevin S. Patterson,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13858**

Order

Motion for Representation Hearing

Date of Order: **August 23, 2021**

Trial Court Case No. **3KN-10-00057CR**

Appellant Kevin Patterson is currently represented at public expense by the Public Defender Agency. On Mr. Patterson's behalf, the Agency has filed a motion asking that this case be remanded for a representation hearing. According to the affidavit supporting the motion, the Agency explains that Mr. Patterson would like to have co-counsel status in this appeal.

Mr. Patterson does not have a right to have co-counsel status in this appeal. If the Agency is willing to allow Mr. Patterson to have co-counsel status with an Agency attorney, then the Agency must file an appropriate motion asking this Court allow Mr. Patterson to have co-counsel status; a remand for a hearing would not be necessary.

Otherwise, because Mr. Patterson is represented at public expense, he does not have the right to reject appointed counsel and have new counsel appointed at public expense in the absence of any showing of cause for that change. *See Mute v. State*, 123 P.3d 1081, 1088 (Alaska App. 2005). The fact that the Agency may be unwilling to agree to Mr. Patterson's desire to have co-counsel status does not provide good cause to have new counsel appointed at public expense.

If Mr. Patterson has the means, he may hire private counsel. Or, alternatively, he may waive the right to assistance of counsel and represent himself in the

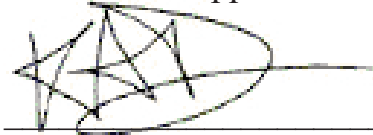
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appeal, but such a request must be knowing and unequivocal and will require a judicial determination that Mr. Patterson is competent to represent himself on appeal.

Accordingly, the Agency's request to remand for a representation hearing is **DENIED**. The Agency may renew this request if Mr. Patterson determines that he wishes to represent himself.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'Kaitlin D'Eimon', written over a horizontal line.

Kaitlin D'Eimon, Deputy Clerk

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